

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Delmas F. Fresh
April D. Fresh
aka April D. Palmer
Debtor(s)

Bankruptcy Case No.: 18-21199-JAD
Issued per 11/12/2020 Proceeding
Chapter: 13
Docket No.: 73 – 66, 67, 71
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 9/23/2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) IT IS FURTHER ORDERED THAT:

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: November 12, 2020

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Delmas F. Fresh
April D. Fresh
Debtor(s)

Case No. 18-21199-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Nov 12, 2020

User: skoz
Form ID: 149

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Total Noticed: 64

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 14, 2020:

Recip ID	Recipient Name and Address
db	++ Delmas F. Fresh, 267 Hardin Hollow Road, Smithfield, PA 15478-1527
jdb	++ April D. Fresh, 267 Hardin Hollow Road, Smithfield, PA 15478-1527
14801063	+ AES/Suntrust, P.O. Box 61047, Harrisburg, PA 17106-1047
14801065	++ BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 address filed with court:, Bank of America, P.O. Box 982235, El Paso, TX 79998-2235
14859764	+ Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
14801066	Barclays Bank, P.O. Box 8802, Wilmington, DE 19899-8802
14801067	+ Best Buy Visa, P.O. Box 790441, Saint Louis, MO 63179-0441
14801074	++ CREDIT PROTECTION ASSOCIATION LP, PARKWAY CENTER V, 2500 DALLAS PARKWAY SUTIE 500, PLANO TX 75093-4805 address filed with court:, Credit Protection Association, 13355 Noel Road--Suite 2100, Dallas, TX 75240
14801069	Central Cardiovascular Associates, 1350 Locust Street--Suite 100, Pittsburgh, PA 15219-4738
14801070	+ Clear Mountain Bank, P.O. Box 205, Bruceton Mills, WV 26525-0205
14801072	+ Credit Collections, USA, 16 Distributor Drive--Suite 1, Morgantown, WV 26501-0121
14801075	+ Debt Collection Partners, 11 Commerce Driver--Suite 208, Westover, WV 26501-3858
14976008	ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408
14801077	+ Fayette County Tax Claim Bureau, c/o Sheryl R. Heid, Esq., 4 North Beeson Boulevard, Uniontown, PA 15401-3438
14801076	+ Fayette County Tax Claim Bureau, Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401-3514
14801078	+ Fidelity Properties, P.O. Box 2055, Alliance, OH 44601-0055
14801081	+ Home Depot, P.O. Box 790328, Saint Louis, MO 63179-0328
14801084	+ Magee Womens Hospital, Attn: Billing Department, 2 Hot Metal Street, Dist. Room 386, Pittsburgh, PA 15203-2348
14877076	+ Mariner Finance, LLC, 8211 Town Center Drive, Nottingham, MD 21236-5904
14801086	Mon Health Medical Center Clinics, 600 Suncrest Town Centre--Suite 310, Morgantown, WV 26505-1873
14818712	+ PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
14860264	++ PNC BANK RETAIL LENDING, P O BOX 94982, CLEVELAND OH 44101-4982 address filed with court:, PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101
14801093	PNC Cardmember Services, P.O. Box 3429, Pittsburgh, PA 15230-3429
14801091	Penn Credit, 916 South 14th Street, P.O. Box 988, Harrisburg, PA 17108-0988
14801099	++ TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026 address filed with court:, Toyota Financial Services, P.O. Box 8026, Cedar Rapids, IA 52408-8026
14967552	Toyota Motor Credit Corporation, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
14828458	+ Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
14801100	+ Transworld Systems, Inc., 300 Cedar Ridge Drive--Suite 307, Pittsburgh, PA 15205-1132
14833633	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
14849370	UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
14801101	+ University Health Associates, P.O. Box 776, Morgantown, WV 26507-0776

TOTAL: 31

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

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User: skoz

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Date Rcvd: Nov 12, 2020

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Total Noticed: 64

Recip ID cr	Notice Type: Email Address	Date/Time	Recipient Name and Address
	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Nov 13 2020 04:05:58	PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
14803782	Email/Text: ally@ebn.phinsolutions.com	Nov 13 2020 04:25:00	Ally Bank, PO Box 130424, Roseville MN 55113-0004
14801064	Email/Text: ally@ebn.phinsolutions.com	Nov 13 2020 04:25:00	Ally Financial, P.O. Box 130424, Roseville, MN 55113-0004
14801071	+ Email/Text: ebnnotifications@creditacceptance.com	Nov 13 2020 04:25:00	Credit Acceptance Corp., Silver Triangle Building, 25505 West Twelve Mile Road, Southfield, MI 48034-1846
14801073	Email/PDF: creditonebknottifications@resurgent.com	Nov 13 2020 04:05:57	Credit One Bank, P.O. Box 98873, Las Vegas, NV 89193-8873
14801079	+ Email/Text: GenesisFS@ebn.phinsolutions.com	Nov 13 2020 04:26:00	Genesis Bankcard/Celtic Bank, 268 South State Street--Suite 300, Salt Lake City, UT 84111-5202
14801082	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Nov 13 2020 04:25:00	Hot Topic/Comenity Bank, P.O. Box 659450, San Antonio, TX 78265-9450
14801083	Email/Text: sbse.cio.bnc.mail@irs.gov	Nov 13 2020 04:25:00	Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346
14859841	Email/PDF: resurgentbknottifications@resurgent.com	Nov 13 2020 04:05:59	LVNV Funding, LLC its successors and assigns as, assignee of CVF Consumer Acquisition, Company, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14859845	Email/PDF: resurgentbknottifications@resurgent.com	Nov 13 2020 04:05:59	LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and, FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14859803	Email/PDF: resurgentbknottifications@resurgent.com	Nov 13 2020 04:04:20	LVNV Funding, LLC its successors and assigns as, assignee of North Star Capital, Acquisition LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14801087	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Nov 13 2020 04:25:00	New York & Company/Comenity Bank, Attn: Bankruptcy Department, P.O. Box 182125, Columbus, OH 43218-2125
14825001	Email/PDF: cbp@onemainfinancial.com	Nov 13 2020 04:05:53	ONEMAIN, P.O. BOX 3251, EVANSVILLE, IN 47731-3251
14801088	Email/PDF: cbp@onemainfinancial.com	Nov 13 2020 04:05:54	One Main Financial, Fayette Crossing Shopping Center, 219 Walmart Drive--Suite C, Uniontown, PA 15401-8423
14801089	Email/Text: RVSVCBICNOTICE1@state.pa.us	Nov 13 2020 04:25:00	PA Department of Revenue, Bankruptcy Division, P.O. Box 280946, Harrisburg, PA 17128-0946
14860264	Email/Text: Bankruptcy.Notices@pnc.com	Nov 13 2020 04:25:00	PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101
14801094	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Nov 13 2020 04:04:19	Portfolio Recovery, 120 Corporate Boulevard--Suite 1, Norfolk, VA 23502
14927317	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Nov 13 2020 04:05:58	Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541
14849454	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Nov 13 2020 04:07:37	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14802952	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Nov 13 2020 04:04:19	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14801090	Email/PDF: gecsed@recoverycorp.com	Nov 13 2020 04:07:34	Paypal Buyer Credit/Synchrony Bank, Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
14809572	Email/Text: RVSVCBICNOTICE1@state.pa.us	Nov 13 2020 04:25:00	Pennsylvania Department of Revenue, Bankruptcy

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			Division, PO Box 280946, Harrisburg PA 17128-0946
14801092	+ Email/Text: bankruptcy@pinnaclerecovery.com	Nov 13 2020 04:26:00	Pinnacle Recovery Inc., P.O. Box 130848, Carlsbad, CA 92013-0848
14853527	Email/Text: bnc-quantum@quantum3group.com	Nov 13 2020 04:25:00	Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
14855822	Email/Text: bnc-quantum@quantum3group.com	Nov 13 2020 04:25:00	Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
14833430	Email/Text: bnc-quantum@quantum3group.com	Nov 13 2020 04:25:00	Quantum3 Group LLC as agent for, GPCC I LLC, PO Box 788, Kirkland, WA 98083-0788
14801095	+ Email/Text: Supportservices@receivablesperformance.com	Nov 13 2020 04:26:00	Receivables Performance Management, 20816 44th Avenue West--Suite 100, Lynnwood, WA 98036-7744
14801096	Email/PDF: gecsed@recoverycorp.com	Nov 13 2020 04:04:16	Rural King/Synchrony Bank, Attention: Bankruptcy Department, P.O. Box 965061, Orlando, FL 32896-5061
14801097	Email/Text: lisa.zatezalo@southwoodhospital.com	Nov 13 2020 04:25:00	Southwood Psychiatric Hospital, 2575 Boyce Plaza Road, Pittsburgh, PA 15241
14830989	Email/Text: appebnmailbox@sprint.com	Nov 13 2020 04:25:00	Sprint Corp, Attention Bankruptcy, PO Box 7949, Overland Park, KS 66207-0949
14801098	+ Email/Text: appebnmailbox@sprint.com	Nov 13 2020 04:25:00	Sprint, P.O. Box 8077, London, KY 40742-8077
14801102	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Nov 13 2020 04:25:00	Victoria's Secret/Comenity Bank, Attn: Bankruptcy Department, P.O. Box 182125, Columbus, OH 43218-2125
14801103	Email/PDF: gecsed@recoverycorp.com	Nov 13 2020 04:04:16	Walmart MasterCard/Synchrony Bank, Attn: Bankruptcy Dept., P.O. Box 965060, Orlando, FL 32896-5060
14801104	Email/Text: bankruptcydept@wyn.com	Nov 13 2020 04:26:00	Wyndham Vacation Resorts, Inc., P.O. Box 97474, Las Vegas, NV 89195-0414

TOTAL: 34

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Toyota Motor Credit Corporation
cr	*+	Clear Mountain Bank, P.O. Box 205, Bruceton Mills, WV 26525-0205
cr	*	ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14801068	##+	Capital Insurance Company, 2001 Joshua Road--Suite 300, Lafayette Hill, PA 19444-2431
14801080	##+	Gunter-Hayes & Associates, 3200 West Tyler Street--Suite D, P.O. Box 10870, Conway, AR 72034-0015
14801085	##	Mariner Finance, P.O. Box 35394, Baltimore, MD 21222-7394

TOTAL: 1 Undeliverable, 3 Duplicate, 3 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains

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the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 14, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 12, 2020 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Toyota Motor Credit Corporation bnicholas@kmlawgroup.com
Daniel R. White	on behalf of Joint Debtor April D. Fresh zmwchapter13@gmail.com gianna@zeblaw.com;sheila@zeblaw.com;r63228@notify.bestcase.com
Daniel R. White	on behalf of Debtor Delmas F. Fresh zmwchapter13@gmail.com gianna@zeblaw.com;sheila@zeblaw.com;r63228@notify.bestcase.com
Nicholas Godfrey	on behalf of Creditor Clear Mountain Bank nicholas.godfrey@dinsmore.com christina.lee@dinsmore.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com

TOTAL: 6